

RAILROADS WIN MISSOURI CASE

Decision by Judge McPherson on Maximum Freight and Passenger Rates.

SAYS THE LAW WOULD BE CONFISCATORY

Law Was Put Into Effect by Mutual Agreement for Three Months and Continued—Governor Says That the Fight Is Not Yet Ended.

KANSAS CITY, MO., March 8.—Missouri's 2-cent passenger and maximum freight laws were nullified by a decision handed down to-day in the United States District Court by Judge Smith McPherson, of Red Oak, Ia. As a result, it is believed, there will be a quick return in Missouri to 3-cent fares, Frank Hagerman, for the eighteen companies involved, asserted to-day that the decision sounded the death knell of the 2-cent rate in every State in the Union.

Judge McPherson held that both the commodity and passenger laws were confiscatory and unconstitutional, and Mr. Hagerman declared that it is not conceivable that if the 2-cent rate is confiscatory in Missouri it can be compensatory in other States.

The State, on the other hand, declared emphatically that Missouri's fight for lower rates would continue. Elliott W. Major, Attorney-General, who was in court to-day when the decision was read, said an appeal would be taken and that the present Legislature would be asked to pass new rate laws that would stand the test of the courts. Governor Hadley made a similar statement.

"The question," said Judge McPherson in his decision, "is whether the traffic wholly within the State of Missouri generally referred to in the evidence as local traffic, can be carried under the freight rate statute of 1907 and the passenger rate statute of 1907 at such profit as will give a reasonable return after paying expenses upon the investment, or whether such traffic is carried at a loss or less than such reasonable profit. . . . The court reached the conclusion that upon this question the statutory rates fixed by either and both statutes are not remunerative."

In giving the reasons for such conclusions the decision says: "The unquestioned and undoubted rule is that there is a presumption both of fact and of law in favor of the validity of every legislative enactment. The railway companies have the burden of removing this presumption, and showing that the statute clearly, or as some courts say, palpably, and others say, beyond a reasonable doubt, that the law is invalid. . . . The court has recognized this rule. The authorities upon this question form a long and unbroken line, with the single exception of the majority opinion in the Pennsylvania case, decided a year ago. (63 Atl. Rep. 616.) And that case is not persuasive authority. All testimony and argument bearing upon the question as to what consideration the Legislature of Missouri gave to these enactments, is utterly immaterial. Much was said in argument as to the message of Governor Hughes, of Ohio, of two years ago, in declining to approve the 2-cent fare statute of that State. Governor Hughes had the moral courage to veto a measure of popular favor because, as he believed, the question had not been fully considered. But the relations of a Governor to the Legislature, and those of a court to legislation consummated, are entirely different.

Economic Ideas. "Most of laymen and many lawyers believe that the question is whether the railway company as a system is earning sufficient revenue upon the value of the property of the system. They believe that if the Burlington, Santa Fe, Wabash or any other railroad system is earning such money as will pay all charges and expenses, including taxes and interest, with reasonable dividends to the stockholders, that State rates for State business must stand.

"Of course, no one believes this who has given the slightest attention to the question. That precise question was before, and was decided by Justice Brewer, and affirmed by the Supreme Court in the Nebraska case of Smyth vs. Ames. The only question is as to Missouri rates, less expenses properly charged against the same. And if this balance does not leave sufficient to pay a reasonable return the law is invalid. And if the railroad system of any company is earning more than a reasonable return by reason of interstate rates, which affect the people many times more than local rates, and if such interstate rates are too high, Congress, acting alone or through a commission, must make the corrections.

Based on New York Case. "The Supreme Court, during the present year in the case of City of New York vs. Consolidated Gas Company, of New York, decided that a 6 per cent. was fair and right to be given to the owners upon the true valuation. My opinion is that while a gas plant is in some respects different from a railroad, that a railroad property, properly built and properly managed, should over and above expenses make a return of 6 per cent. annum.

"And considering all the evidence, the evidence fairly shows that all of these roads were properly and economically built, and are being properly and economically managed, and that after paying the expenses for maintenance and operation that there is less than 6 per cent. of returns, and not more than a poor return. . . . I am, therefore, of opinion that the law is so without reference to bonds, be-

SPECIAL MESSAGE

Governor Hughes Recommends a Change in Insurance Laws.

ALBANY, N. Y., March 7.—Governor Hughes to-night sent to the Legislature his special message of the present session, in which he recommends amendments to the so-called Armstrong insurance laws, as given to the State Superintendent of Insurance power to take possession of the property and affairs of insurance companies when necessary to conserve the interests of policy-holders.

Bills carrying the Governor's recommendations were introduced to-night by Senator Grattan and Assemblyman Hamm.

Governor Hughes in his message said:

"The serious delays and enormous waste connected with receiverships, high of banking and of insurance corporations, have directed attention to the advisability of providing suitable means for economical and speedy liquidation through the agency of the respective State departments. . . . The banking law was amended so as to provide for liquidation of banking corporations by a business method, and the wisdom of the provision has already been demonstrated by experience. Similar exigencies arise in connection with insurance corporations, and should be dealt with in a similar way."

ARKANSAS TORNADO

Great Damage Reported, but Details Very Meagre.

LITTLE ROCK, Ark., March 8.—Vague reports indicate that great damage has resulted from a tornado which swept through a portion of the State to-night. In this county one person was killed and a number are reported to have been injured, while the property loss is estimated at \$100,000.

Arkansas all communication is cut off because of a prostration of both telephone and telegraph wires. Isolating Hot Springs, Pine Bluff and a number of smaller towns. Near Baumcam a Cotton Belt passenger train, which is hours late, is reported to have been swept from the tracks.

The tornado crossed the Arkansas River within five miles of Little Rock, causing a waterpout several hundred feet high.

Eight Are Killed.

MEMPHIS, TENN., March 8.—It is reported that eight persons were killed, several others seriously injured and property to the value of \$100,000 destroyed by a tornado and subsequent fire to-night.

The last advice was that the conflagration was under control and that the entire town will probably be destroyed.

HAT-MAKERS RIT

Missiles Thrown and Shot Fired, but None Seriously Injured.

WOODBINE, N. J., March 8.—Several persons were injured to-day in a riot growing out of a strike at the hat factory situated where the crowd of about 400 set upon a dozen men who had continued working in the hat shop. Stones, bricks and other missiles were thrown.

During the rioting a revolver was fired, and Abraham Willert, one of the men attacked, was struck by a brick hurled by others. Willert was rendered unconscious. Several others were hit by missiles before they succeeded in getting clear of the factory. None was seriously injured, however.

The attack is said to have grown out of a refusal of the dozen men to quit their employment in the crowd. When the disturbance had been quelled the shop was closed down for the day.

WHY DR. CHAPMAN QUIT

Pressure of Work, Not Sunday Street Cars, the Cause.

SPRINGFIELD, March 8.—The Rev. J. Wilbur Chapman, D. D., who is conducting a revival in this city, denied to-night that he had resigned as head of the Winona Lake, Wis., conference, because he had been elected to the lake on Sundays.

"It is true that I have resigned as the head of the conference," said Dr. Chapman, "but it is owing wholly to the press of other work. I am still on the directorate, and will remain so. I shall also speak at the conference, but cannot remain before produced such a snowstorm."

POWDER EXPLOSION

Country Near Wilmington Was Shaken for Miles Around.

WILMINGTON, DEL., March 8.—One man was killed, and several others slightly injured early to-day in an explosion which destroyed two mills in the Hagley yard of the Du Pont Powder Company near here.

The dead man is George Whitman, aged fifty years, was an employee. The accident was caused by the explosion of an experimental barrel. The country was shaken for miles around.

Two Killed.

KNOXVILLE, TENN., March 8.—The corner mill of the Rand Powder Company, at Marlow, blew up to-day. Walter Hatcher and William Gans were killed and three other men were injured.

WITH ONE BULLET

Negro Killed Two People and Is Arrested After Two Men.

NEW ORLEANS, La., March 8.—Jesse Clark, a negro, who with one bullet slew two men at Ameyville, La., just across the river from New Orleans, two years ago, has been arrested at Jennings, La.

Clark's victims were a white man named Richardson, who was the object of the negro's attack, and a negro youth, who was standing near Richardson and into whom the rifle bullet went after passing through Richardson's body.

JUST AS WELL TO QUIT THE EFFORT

Judge Gives Hard Rap to Government in Standard Oil Case.

CHICAGO, ILL., March 8.—Government attorneys in the retrial of the Standard Oil Company, of Indiana, after alleged acceptance of rebates from the Chicago and Alton Railroad on shipments of oil from Whiting, Ind., to St. Louis, Ill., were told to-day by Judge Anderson that unless they introduced further proof sustaining their contention that the oil company accepted a rebate from Chicago and Alton Railroad, they might as well cease their efforts to convict.

Judge Anderson, after considerable argument from both sides, admitted tentatively that the Chicago and Alton Railroad was in violation of the Standard Oil Company.

UNCLE SAM CAN FEEL MILLIONS SLIPPING

Judge Admits Tariff Sheets, Refers to "Fatal Discrepancy" in the Indictment, Says if Government Can't Furnish More Proof It Had Better Quit.

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These Men Decide Fate of Bureau

J. B. Wood, Robt. Whitte, Jr., W. H. Adams, W. Bennett, Reuben Burton, S. H. Cottrell, P. H. Donahoe, T. H. Ellett, W. J. Gilman, Barton H. Grundy, Mark Gust, Graham B. Hughes, G. A. Jones, W. W. Melford, John J. Mitchell, James A. Moncure, A. C. Nelson, Joseph E. Powers, H. G. Reynolds, E. D. Richardson, John L. Satterfield.

WASHINGTON, D. C., March 8.—The problem of financing the government—providing the necessary funds to carry on the projects under way and maintain the plans of the Taft administration and making the demands square with a new tariff schedule—is the work with which President Taft, Senator Aldrich, Speaker Cannon and Secretary of the Treasury MacVeagh were engaged at a two-hour conference at the White House this afternoon.

The necessity for the enactment of a tariff bill at the earliest possible moment was discussed, there being little reference to the details of the proposed legislation. Whether a definite policy was outlined at the conference could not be stated.

That the manufacturers and other large interests are demanding early tariff legislation, and that the business conditions of the country are necessarily unsettled, until the tariff schedules are finally fixed by Congress, were the principal reasons given for the desire to permit nothing to interfere with prompt action by Congress at the special session.

MUST MAKE UP DEFICIT.

The possible delay which the "House Insurgents" may cause by promulgating a light on the rules and the further difficulties that may be put in the way of passing the tariff bill through without delay were thoroughly gone into. The conference agreed that every Republican in the House and Senate is pledged by the party platform to let nothing interfere with an immediate revision.

President Taft told the tariff framers last Saturday that his special message on tariff revision would contain no reference to specific schedules. Mr. Taft, however, has made a consistent fight for a genuine revision of the tariff, and the tariff framers know that he will not be satisfied with nothing less. In his inaugural address he frankly called attention to the \$100,000,000 deficit which confronted his administration, and he suggested the possible necessity of an increase in the duties on imports to meet the future revenues. Franklin MacVeagh has allowed himself to be quoted as to the possible necessity of a stamp tax.

SENT TO PRINTER.

Having been practically completed by the tariff framers, portions of the new tariff bill late to-night were sent to the government printer. It is expected that by Wednesday the entire measure will be in type.

Although no announcement has been made by the House Committee on Ways and Means regarding the new tariff bill, it has been learned on unquestionable authority that as a concession to the shoe men because of the placing of hides on the free list, the duty on shoes will be considerably reduced.

THE MAYOR ON RECORD.

Mayor Richardson last night declined to be drawn into a discussion of the merits of the case, saying he could not speak for publication before the matter was presented to him officially by the Council for approval or veto. He is on record, however, as having signed a previous resolution, passed by both houses of the Legislature, granting to the United States government a site in this park to be selected by the Grounds and Buildings Committee. This City Attorney held of doubtful legality, and ruled that the Council must itself, by ordinance, lay the exact bounds of the site, made over to the Federal government. Since this opinion was given a few interested property owners facing on the park have brought pressure to bear on the East End delegation—one of whom is now a candidate for office in the face of the united stand taken by the commercial, manufacturing and industrial interests of the city, many representative members of which live on Church Hill, and have favored the granting the site for the Weather Bureau.

THE FOLLOWING STATEMENT HAS BEEN COMPILED FROM ACCURATE SOURCES TO SHOW THE BENEFITS TO THE CITY AND STATE FROM HAVING A WEATHER OBSERVATORY LOCATED IN RICHMOND:

High Water Reports.

"These reports, which predict the exact stage of high water at Richmond, enable the shipping business, according to the reports received directly from the Richmond station. This information is very valuable, not only when freezing weather is predicted, but also when close damp weather is predicted. The value of goods and chattels being damaged or ruined by unexpected freshets; or in their going to much trouble and expense in removing their property where it is entirely unnecessary to do so. But the benefit of these freshet reports is not confined to the citizens of Richmond; for they are sent up the valley of the James River for the benefit of all the residents of that section, many of whom deal with Richmond."

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NO WAGE CUT

Bethlehem Plant Does Not Propose to Reduce Pay of Workmen.

NEW YORK, March 8.—Charles M. Schwab, president of the Bethlehem Steel Corporation, today declared that although it is the belief that the coal prices would work lower before a thorough adjustment of conditions was reached, the Bethlehem Steel Corporation did not propose to cut wages of its workmen. Eventually conditions would show an improvement, he believed.

STEAMER FOUNDERS

Fate of Crew Unknown and Boats Search for.

BREST, March 8.—The Spanish steamer Moura, of Bilbao, has foundered about two miles off Cape de Velez. The fate of the crew is unknown.

A fishing boat, which has just come in, reports that the Moura was swept by a heavy sea on a ledge of rocks, and that the boilers blew up almost immediately, the steamer sinking like a stone.

One of the whole boats of the vessel had been washed ashore, but it was empty. There are no tidings of the crew up to midnight, although several torpedo boats are scouring the seas by order of the admiral of the port.

The steamer Moura was bound from Huelva for London, and was last sighted at Ferrol on February 13 in a damaged condition. She was 1,370 tons.

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PINSON INDICTED

Charged With Killing Friend—Young Lady Only Witness.

LAURENS, S. C., March 8.—Acting virtually under Judge Pinson's instructions, the grand jury to-day indicted Wade Cottrill Pinson, charging him with the murder of his friend, Thornton Pinson.

Miss Mary Brown, the only eye-witness of the killing, which the defense says was done by young Pinson, will be the principal witness for the State. The case will come up for trial probably Thursday.

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